

BEFORE THE NATIONAL LABOR RELATIONS BOARD  
UNITED STATES OF AMERICA  
REGION 19

North River Boats, Inc.

Employer

and

Case 36-RC-6272

Western Council of Industrial Workers, affiliated with  
United Brotherhood of Carpenters and Joiners

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board. Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record<sup>1</sup> in this proceeding, the undersigned finds:<sup>2</sup>

**SUMMARY**

The Employer is engaged in the manufacture of aluminum boats at its facilities located in Roseburg, Oregon. The Petitioner filed the instant petition seeking a unit of all regular full-time production and maintenance employees at the North River Boat Roseburg, Oregon facilities located on Kester Road. At hearing, the Petitioner clarified its position stating that the petitioned-for unit included production and maintenance employees located at the Employer's facilities at the following locations: 201 Kester Road, 247 Kester Road, and 7800 Highway 99 North.<sup>3</sup> The Employer contends that the appropriate unit must include all of the Employer's facilities in Roseburg, Oregon, which includes the facility located at 1750 Green Siding Road, in addition to the three facilities in the petitioned-for unit.

Based on the following facts and legal analysis as well as the record as a whole, I find, in agreement with the Employer, that the petitioned-for facilities do not constitute an appropriate unit, because the evidence fails to establish that the employees in the petitioned-for facilities enjoy a separate and distinct community of interest from the production and maintenance employees located at the Employer's Green Siding Road facilities. I further find that the unit

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<sup>1</sup> Briefs from both parties were timely received and duly considered.

<sup>2</sup> The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed; the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein; the labor organization herein involved claims to represent certain employees of the Employer; and a question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

<sup>3</sup> There are approximately 51 employees in the petitioned-for unit.

suggested by the Employer, including all production and maintenance employees from all four of the Employer's Roseburg, Oregon facilities, does constitute an appropriate unit.

Accordingly, I shall direct an election in that unit.<sup>4</sup>

Below, I have set forth the evidence presented in the hearing on this matter describing the Employer's operations generally and the community of interest factors pertinent to my analysis. Following the evidence section is my analysis of the applicable legal standards and a section setting forth the direction of election.

**I. EVIDENCE**

**A.) The Facilities**

The Employer is engaged in the manufacture of aluminum boats at its facilities in Roseburg, Oregon. Each of the Employer's four Roseburg facilities serves a different purpose in the manufacturing process. The Employer's boat fabrication facility is located at 247 Kester Road. There are approximately 47 employees working out of the 247 Kester Road facility, at least five of whom are stipulated supervisors. At this facility fabrication workers take raw aluminum sheet stock and extrusions and cut them into parts per a work order distributed by the Employer's Production Coordinator. Once the parts have been cut and sub-assembled in accordance with the work order, they go to the jig fabrication workers, who form the aluminum hull on the jigs. Once the hull is formed, the boat will go through a quality control check station and, if it is approved, it will be loaded on a trailer that has been fabricated by the Employer specifically for that boat.

Located about 9 miles from both the Employer's Kester Road facilities and its Green Siding facility is the Employer's training facility located at 7800 Highway 99 North. This facility has one supervisor who trains employees in welding for the fabrication department. Currently, there are four trainees working out of the Employer's training facility.

Boat trailers are manufactured at the Employer's trailer facility located at 201 Kester Road, just 150 yards from the Employer's fabrication facility located at 247 Kester Road. There are five employees working out of the Employer's trailer facility. These employees manufacture trailers that are specifically built for the boats fabricated at the Employer's fabrication facility. These trailers, which carry the boat to the finishing departments located at the Employer's facility located at Green Siding Road, will eventually be delivered with the boats to the end purchaser.

Once the boat has gone through its quality control check at the 247 Kester Road facility and has been loaded onto its trailer, a driver will drive the boat and trailer about 9 or 10 miles to the Employer's facility located at 1750 Green Siding Road for finishing work. Once the boat arrives at the Green Siding facility it will first go to the canvas facility where it is pre-drilled for canvas. After that, the boat will be sent to the pre-paint check station, where the boats are checked against the original work order to make sure that the fabrication and canvas shop properly followed the work order. At pre-paint, the workers will pre-drill the main holes and will

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<sup>4</sup> The parties stipulated that the following employees are Section 2(11) supervisors under the Act: Production Coordinator Chris Baumgartner, Fabrication Supervisor Gary Mathews, Trailer Supervisor Dennis Williamson, Paint Supervisor Gary Sisk, Upholstery Supervisor Lonnie Dillon, Canvas Supervisor Keith Almanza, Quality Control Supervisor Justin Stone, Supervisor Mark Saunders, Fabrication Leads Matt Hatfield, Jeremy Moore, Dennis Olson, Toby Osborne, Dale Wheeler, Andy Winters, Mark Walker, Trailer Lead Richard Bumcrot, Trainee Lead Dave Haynes, Quality Control Lead Tom Singler, warehouse supervisor Tom McNamara, and leads in various departments at Green Siding. Based upon the parties' stipulation, I find that the above individuals are supervisors within meaning of Section 2(11) of the Act, and thus are excluded from the bargaining unit. Based on the record evidence, I also find that General Manager Jay Conn and President Brian Bush possess indicia of supervisory authority as defined in Section 2(11) and thus are also excluded from the unit.

then send the boat to the sand blast station where all of the wells are sandblasted. The boat then proceeds to the paint area, where the employees do all of the prep work, bodywork, and painting.

After the paint department, the boats will enter the rigging area, where rigging employees add hardware, carpet, glass, and the boat's power supply. After the rigging department, the boat goes through a final quality control check and is then loaded and ready to ship to its final destination.

The Green Siding facility employs approximately 70 production and maintenance employees in its Canvas, Paint, Rigging, Upholstery, and Quality Control departments. Also located in the Employer's Green Siding facility are the Human Resources Department, Purchasing Department, and Retail Department. The Green Siding facility is the only Roseburg facility not included in the unit petitioned-for by the Union.

#### **B.) Managerial and Supervisory Structure**

Brian Bush is the Employer's President and owner. Reporting to Bush is General Manager Jay Conn. The Supervisors of each production department (e.g., fabrication, rigging, paint, canvas, and upholstery) report directly to Conn. Also reporting to Conn is Production Coordinator Chris Baumgartner. Baumgartner receives sales orders from either independent dealers or the Employer's own five retail outlets, and converts the sales orders into work orders. Baumgartner then distributes the work orders to each department. Baumgartner is responsible for tracking the work orders and making sure that the work in each department is performed in a timely and satisfactory manner. In ensuring that this gets done, Baumgartner works very closely with the supervisors on the floor of all the production departments in the Kester Road and Green Siding facilities. In the fabrication department, Baumgartner works closely with parts department supervisor Dennis Olson and fabrication shop supervisor Gary Mathews.

The trailer fabrication department located at 201 Kester Road is primarily directed by purchasing agent/trailer supervisor Dennis Williamson and production coordinator Chris Baumgartner. The trailer facility employees would also go to fabrication supervisor Gary Mathews if they need to request time off. Mathews is also responsible for disciplining the trailer employees if an issue arises.

Personal policies are all formulated by owner Bush, general manager Conn, project coordinator Baumgartner, and the Human Resources department, all of whom have offices at the Green Siding facility. According to the Conn, the owner has final say on all personnel policies. Personnel policies apply equally to the production and maintenance employees at all four of the Employer's facilities and are published in the employee manual, which is distributed to all employees upon hire. Personnel files are kept in the Human Resources Department at the Green Siding facility and paychecks are also distributed from the Green Siding facility through the payroll office. All production employees at the Employer's four facilities receive the same benefits.<sup>5</sup> The production employees' wages are similar, with almost every department's entry level positions starting at around \$9 an hour, and with caps ranging from \$14 to \$18 an hour. It appears from the record that the two departments with the highest caps are the fabrication department which has a cap of \$17 an hour and the painting department which caps out at \$18 an hour. Employee shifts are also similar with the fabrication, rigging, canvas, and upholstery departments' shifts scheduled from 6:00 a.m. to 4:30 p.m. The fabrication, rigging, and paint departments also have a swing shift that is scheduled from 4:15 p.m. to 2:45 a.m.

Purchasing is centralized through the Green Siding office. All hiring is done through the Human Resources Department located in the Green Siding Office. An applicant for any position

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<sup>5</sup> These include medical and dental insurance, vacation, holidays, and 401K profit sharing.

with the Employer would come into the Human Resources office and fill out an application. The Human Resources office would determine how many employees are needed for a particular department and then prescreen the applicants and provide the department with a number of applicants to interview. Once the department supervisor has made recommendations for hire, the Human Resources department would contact the employee and have him or her come in and fill out the appropriate paperwork.

Although department supervisors have the authority to discipline employees, they will generally talk with Conn or the Human Resources Department when they are deciding whether to terminate an employee. Vacations are granted and scheduled by department supervisors.

The Employer also has a production committee made up of leads and supervisors from each of the production departments. This committee meets every Wednesday to discuss materials and manpower needed in order to get current boat orders completed and out the door. Baumgartner, the production coordinator, also attends the production committee meetings with the supervisors and leads from the fabrication, purchasing, trailer, canvas, upholstery, and quality control departments.

There is also an employee committee that meets on the 3<sup>rd</sup> Monday of every month to discuss issues of a general nature or issues relating to their respective departments. Conn described these meetings as a chance for the employees to have their voice heard by management. In attendance at these meetings are Chris Baumgartner, Jay Conn, Human Resources employees, leads, and employees from the fabrication, rigging, paint, canvas, upholstery departments as well as a local driver.

### **C.) Interchange and Contact**

The record reveals that there is a significant amount of interchange among the employees in the Employer's production departments. For example, there are seven employees who move from the Kester Road facilities to the Green Siding facility on a daily or weekly basis. Maintenance and repair employee Ray Homsley, whose office is located in the 247 Kester facility, works at all four facilities on a regular basis making repairs on the facilities' compressors, air lines, paint booths,<sup>6</sup> and other equipment. Similarly, although in-house electrician Jim Powell and his helper Richie Holloway are stationed at the Green Siding facility, they work on electrical equipment and installation at all four facilities. The electricians work on jobs at the Kester Road facilities anywhere from three times a month to once a week. Drivers Chip Rice and Shawn Henderson are responsible for hauling the boats and their trailers from the Kester Road facility to the Green Siding facility and transferring parts and interoffice mail between all of the facilities.<sup>7</sup> The uncontradicted testimony regarding these trips was that while production is flowing, a driver could be making as many as 6-10 trips between the facilities a day. General Manager Conn also testified that although custodian Dan Clifford is stationed at Green Siding and custodian Harvey Husky is stationed at Kester Road, each work at multiple facilities when there are big jobs that need to be addressed such as a large maintenance job or painting project.

Other than these seven employees who move from facility to facility on a weekly basis, there are also times when the Employer will transfer workers on a temporary basis when a department either has too much or too little, work. Conn gave specific examples of employees being sent from the rigging department (located at Green Siding) to the fabrication department

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<sup>6</sup> Paint booths are only located at the Employer's Green Siding facility.

<sup>7</sup> The record reveals that the Employer employs two drivers and two custodians. It is not clear from the record whether the parties dispute the inclusion of the drivers and custodians in any unit that I find appropriate herein. Moreover, I cannot make a unit placement decision for drivers and custodians based on the record at hand. Accordingly, I shall permit the drivers and custodians to vote subject to challenge.

(located at Kester) to help with scraping, filing, and prepping boats in fabrication. At another time, employees from the painting department (located at Green Siding) were sent to the fabrication department to help out. Additionally, Conn testified that fabrication employees came up to the Green Siding facility to help run black iron air line pipe and to do whatever needed to be done to get the Green Siding facility up and running. Conn testified that these kinds of exchanges take place about 6-12 times a year.

In addition to these temporary transfers, there is evidence that many employees have transferred from department to department on a permanent basis. There were twelve employees who transferred from one department to another since 2000. Five of these transfers took place in 2004, and a number of these employees had transferred from one department to another several times. For example, Union witness Cleatus Roberts, who has worked for the Employer for just 3½ years, testified that he transferred from carpeting to rigging and then from rigging to become a driver. Roberts also transferred from his driving position to the fabrication department and most recently Roberts went from the fabrication department to the training facility and back to the fabrication department. There was also uncontradicted testimony that employee Steve Hale has worked in the upholstery, rigging, carpet, fabrication, and trailer rigging departments during his tenure with the Employer.

In order for an employee to transfer from one department to another, the employee has to go through a bidding process. When there is an opening in one of the Employer's departments, the Employer will post the opening on company bulletin boards at all of its facilities. An employee bids on a position by submitting a letter of interest together with a letter of recommendation from his supervisor to the Human Resources Department. Employees use this bidding process when they want to transfer from one department to another, regardless of where the department is located. In other words, the same process is used whether an employee wishes to transfer from the fabrication department (located at 247 Kester Rd) to the trailer facility (located at 201 Kester Road), or from the fabrication department to the paint department (located at Green Siding). General Manager Conn also testified that when a department is short handed and needs workers to fill spots right away, management can make arrangements for transfers on either a temporary or permanent basis without going through the posting process. Conn gave examples of such transfers: when a department was behind on work orders, too many employees in a single department were on vacation, and when there was a recent termination in a department.

The Employer also periodically holds employer-wide appreciation events. These events have been held as holiday parties and barbeques. It appears from the record that the Employer on average holds one of these events about once a year.

#### **D.) Employee Skills and Duties**

The Employer's production and maintenance employees have a variety of skills. There are several divisions within the fabrication department ranging from entry level to more skilled levels of work. In the parts division, fabrication employees need to be able to handle a skill saw or circular saw and they need to be very detail oriented. In the sub assembly division, fabrication employees need to be able to weld aluminum, read and follow a drawing for assembly. Similarly boat building fabrication employees need to be able to read a work order, weld, and use a circular saw. As set forth above, there is a training facility located nine miles from the Kester facilities where employees learn how to weld for some of the more advanced fabrication positions. This training facility is currently only used to train fabrication department employees how to weld. There are positions in the fabrication department, however, where

welding is not a required skill. For example, neither the finishing nor parts division of the fabrication department requires that employees have welding skills.<sup>8</sup>

Employees in the trailer department work with similar tools, need to be able to weld and read work orders. Employees in the paint department need to know how to prep aluminum for paint, use sanders, read work orders, and work the high tech paint booth systems. Upholstery department employees need to know how to sew materials together, read work orders, and glue foam to wood. Canvas department employees need to be able to read a work order, sew or fit canvas to a particular shape, install a top frame, and bend and frame aluminum. Rigging department employees need to be able to read a work order, use hand tools, drills, bull saws, wrenches, and assemble installation of motors, jets, and outboard prop drives. They must also be able to do electrical wiring and operate under a standard features book that tells them how to rig or build a standard boat.

#### **E.) Functional Integration**

The Employer's Kester Road and Green Siding facilities are functionally integrated. As set forth above, the boat and trailer manufacturing process begins at the Kester Road facility and the boats are completed at the Employer's Green Siding facility. The Employer does not sell hulls to other boat manufacturers, nor does the Employer buy hulls from other manufacturers. The hulls manufactured by the Employer are proprietary and are not available on the open market. Thus, the Employer's fabrication department in Kester and its finishing departments located in Green Siding are fully dependent on each other for the operation of their facilities and if a work shut down occurred in the Kester facility, all departments in the Green Siding facility would necessarily be shut down as well.

#### **F.) History of Shifting Facility Locations**

It is notable as well that the Employer has grown quickly over the past four years and as a result, the locations of its production departments have shifted to meet with the Employer's changing needs. General Manager Conn testified that while in 2000, the Employer employed about 20-25 production employees and produced approximately 90-100 boats a year, the Employer now employs about 125 production employees and expects to produce approximately 1,200 boats this year. Prior to December 2003, the rigging department, warehouse department, and Production Coordinator were all located on Kester Road. In December, all of these entities were moved to the newly purchased Green Siding facility. In September 2004, the Employer also moved the General Manager and the accounting and human resources offices to the Green Siding facility. Other finishing departments such as the canvas shop, the paint department, and the upholstery department also moved from various locations into the Green Siding facility over the past six months. According to General Manager Conn, the Employer plans to move the fabrication facility to within a ½ a mile from the Green Siding facility in the near future. Although Conn has looked at several possible properties in anticipation for this move, no concrete plans have been formulated regarding the move at this time.

#### **G.) Bargaining History**

The record reveals no evidence of bargaining history with this Employer and any union.

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<sup>8</sup> Union witness Cleatus Roberts testified that he worked in the finishing bay of fabrication department before he asked to be sent to training to learn how to weld.

## II. ANALYSIS:

Although the Union asserts that there is a single facility presumption in this case, there is no such presumption as the Union is petitioning for a unit made up of three distinct and separate facilities. In circumstances such as these where the Union has petitioned for a multifacility unit, no presumption applies and the Board looks at community of interest factors to determine whether the petitioned-for unit is appropriate. In determining whether a petitioned-for multifacility unit is appropriate, the Board evaluates a number of the following factors: employees' skills and duties; terms and conditions of employment; employee interchange; functional integration; geographic proximity; centralized control of management and supervision; and bargaining history. *Laboratory Corporation of America Holdings*, 341 NLRB No. 140 (2004); *Basha's, Inc.*, 337 NLRB 710 (2002); *Alamo Rent-A-Car*, 330 NLRB 897 (2000); *NLRB v. Carson Cable TV*, 795 F.2d 879, 884 (9<sup>th</sup> Cir 1986).

Regarding the first factor of employee skills and duties, the record reveals that within the fabrication department employee skills and duties vary significantly. Moreover, the skills and duties performed by finishing employees at the 1750 Green Siding facility vary from those in the fabrication department. However, such distinctions and skills are inherent in a production process such as the Employer's. In the circumstances of this case, I do not find this factor, alone, warrants finding the petitioned-for unit appropriate.

With respect to factor of terms and conditions of employment, the record reveals that Employer's production and maintenance employees at all four of the Employer's Roseburg, Oregon facilities receive the same benefits, holidays, and 401K plan and the Employer's employment policies are centralized and apply to all of production and maintenance employees equally. Employees from all four of the Employer's facilities receive similar pay and work similar schedules.

In terms of interchange, the record shows that there is significant employee interchange between all four of the Employer's Roseburg facilities and there is no indication on the record that the interchange between the petitioned-for facilities is either more frequent or more accessible than interchange between the petitioned-for facilities and the Green Siding facility. In fact, to the contrary, most of the examples of temporary and permanent transfers on the record involved transfers between the Kester Road and Green Siding facilities.

There is also significant functional integration of the Employer's Kester Road and Green Siding facilities, as these facilities are involved in the integrated process of boat assembly and are dependent on each other to keep the production going.<sup>9</sup> This functional integration is further shown by the Employer's weekly production meetings and overall supervision by Baumgartner and Conn.<sup>10</sup>

Regarding the factor of geographic proximity, the Kester Road facilities are equidistant from the non-petitioned-for Green Siding facility and the petitioned-for Highway 99 training

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<sup>9</sup> The Union contends that this case is similar to *Waldensian Hosiery Mills*, 83 NLRB 742 (1949), in which the Board found that the petitioned for unit of production and maintenance employees at a single plant was appropriate even though the hosiery produced at that plant went on for finishing at another plant before being sent out for retail. In that case, unlike the instant case, the finishing plant also finished goods manufactured by other companies. Therefore, the plant in *Waldensian* was not functionally dependant on the petitioned-for plant. Moreover, in *Waldensian*, unlike the instant case, the petitioned-for unit was a single facility unit, which was presumptively appropriate. Thus, I find *Waldensian* inapposite.

<sup>10</sup> The Petitioner, citing *Black and Decker Manufacturing Co.*, 147 NLRB 825 (1964), asserts that the functional integration of these four plants should not play a determinative role in finding the petitioned-for unit inappropriate. *Black and Decker Manufacturing* is clearly distinguishable from the instant case, however, as the unit petitioned-for in that case was a presumptively appropriate single facility unit, which was run and supervised on a more autonomous basis.

facility. Thus, I find that there is no geographic nexus between the petitioned-for facilities distinct from the Green Siding facility.

With respect to centralized control of management, the record reveals close management and integration of all of the production departments as demonstrated by Conn and Baumgartner's close tracking of those departments as well as the Employer's weekly production committee meetings, in which Conn, Baumgartner, and the production department supervisors determine as a group imminent material and manpower needs for each department. Regarding supervision, it is uncontested that the supervision of the four Employer facilities is closely overseen by General Manager Conn and Production Coordinator Baumgartner. The record evidence also fails to show that the three petitioned-for facilities share common supervision that is not also shared with the Employer's Green Siding facility. Although there is some indication on the record that fabrication supervisor Gary Mathews has limited supervisory duties over the employees working at 201 Kester Road in the trailer department as well as the 247 Kester Road facility, uncontested record testimony demonstrates that it is trailer supervisor Dennis Williamson and Project Coordinator Baumgartner who primarily direct the employees out of the trailer facility. Moreover, there was no evidence in the record to suggest that Mathews has any supervisory authority over the third petitioned-for facility, the Employer's training facility located nine miles away at 7800 Highway 99.

As to the factor of bargaining history, the record reveal discloses none for either of the units respectively sought by the parties.

In conclusion, I find that an examination of the factors discussed above, with the exception of skills and duties, supports a finding that the petitioned-for facilities do not constitute an appropriate unit. Although it is clear that the employees in the petitioned-for unit share a community of interest, I find that the evidence fails to establish that it is separate and distinct from the community of interest they share with the employees located in the Employer's Green Siding Road facility. Accordingly, I find that a unit of production and maintenance employees located at the Employer's four Roseburg, Oregon facilities is an appropriate unit for bargaining. *Laboratory Corporation of America Holdings*, 341 NLRB No. 140 (2004); *Alamo Rent-A-Car*, 330 NLRB 897 (2000).

### **III. CONCLUSION**

Based on the foregoing and the record evidence, I find that the following employees of North River Boat, Inc. constitute a unit appropriate (hereinafter "Unit") for collective bargaining within the meaning of Section 9(b) of the Act:

All regular full time and part time production and maintenance employees at the North River Boat facilities located at 247 Kester Road, 201 Kester Road, 7800 Highway 99 North, and 1750 Green Siding Road in Roseburg, Oregon; excluding clerical employees, confidential employees, guards and supervisors as defined by the Act.<sup>11</sup>

There are approximately 121 employees in the Unit.

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<sup>11</sup> At the hearing, Petitioner was unsure of whether it would proceed with its petition in the event that I directed an election in a unit larger than that petitioned-for. Because I have directed an election in a larger unit, I shall provide Petitioner with 14 days from the date of this decision to submit a showing of interest in the larger unit.



#### **IV. DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the Unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by Western Council of Industrial Workers, associated with United Brotherhood of Carpenters and Joiners.

##### **A.) List of Voters**

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the alphabetized full names and addresses of all the eligible voters, must be filed by the Employer with the Officer-in-Charge for Sub-Region 36 within 7 days of the date of this Decision and Direction of Election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election, only after I shall have determined that an adequate showing of interest among the employees in the unit found appropriate has been established.

In order to be timely filed, such list must be received in the Sub-Regional Office, 601 SW 2<sup>nd</sup> Avenue, Suite 1910, Portland, OR, 97204-3170, on or before **November 19, 2004**. No extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission to (503) 326-5387. Since the list is to be made available to all parties to the election, please furnish a total of 4 copies, unless the list is submitted by facsimile, in which case only one copy need be submitted.

##### **B.) Notice Posting Obligations**

According to Board Rules and Regulations, Section 103.20, Notices of Election must be posted in areas conspicuous to potential voters for a minimum of three working days prior to the date of election. Failure to follow the posting requirement may result in additional litigation should proper objections to the election be filed. Section 103.20(c) of the Board's Rules and Regulations requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

**C.) Right To Request Review**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **November 26, 2004**.

**DATED** at Seattle, Washington, this **12th day of November 2004**.

/s/ Richard L. Ahearn  
Richard L. Ahearn, Regional Director  
National Labor Relations Board, Region 19  
2948 Jackson Federal Building  
915 Second Avenue  
Seattle, Washington 98174